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WORLD CONFERENCE ON HUMAN RIGHTS
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Agenda item 12

RECOMMENDATIONS FOR: (a) STRENGTHENING INTERNATIONAL COOPERATION IN THE FIELD OF HUMAN RIGHTS IN CONFORMITY WITH THE CHARTER OF THE UNITED NATIONS AND WITH INTERNATIONAL HUMAN RIGHTS INSTRUMENTS; (b) ENSURING THE UNIVERSALITY, OBJECTIVITY AND NON-SELECTIVITY OF THE CONSIDERATION OF HUMAN RIGHTS ISSUES; (c) ENHANCING THE EFFECTIVENESS OF UNITED NATIONS ACTIVITIES AND MECHANISMS; (d) SECURING THE NECESSARY FINANCIAL AND OTHER RESOURCES FOR UNITED NATIONS ACTIVITIES IN THE AREA OF HUMAN RIGHTS

Note by the Secretary-General

Note verbale dated 21 June 1993 from the Austrian Federal Ministry for Foreign Affairs addressed to the Secretary-General of the World Conference on Human Rights

The Austrian Delegation to the World Conference on Human Rights presents its compliments to the Secretary-General of the World Conference on Human Rights and has the honour to submit the resolutions adopted by the First Austrian Pupils' Conference on Human Rights, which was held on 11 and 12 March 1993 in Vienna.

The Austrian Delegation respectfully requests that the enclosed report be issued as a document of the World Conference on Human Rights under item 12 of the agenda.

VIE.93-384

Resolution

of the First Austrian Pupils' Conference on Human Rights
on 11 and 12 March, 1993

addressed to the

World Conference of the United Nations
on Human Rights
in Vienna in June 1993

Preamble

The First Austrian Pupils' Conference on Human Rights, which took place at the Vienna International Center on 11 and 12 March, 1993, addresses this resolution to the Second World Conference of the United Nations on Human Rights and to the general public.

90 pupils of Austrian schools, among them many pupils of non-Austrian nationality, met for two days to discuss topical human rights problems in working groups and plenary sessions.

The 30 delegations to the conference deliberated on civic and political as well as economic, social and cultural rights and discussed the right of peoples - particularly of the southern hemisphere - to pursue an autonomous development and exercise control over their natural resources. Besides the plenary sessions, three working groups dealt with the following subjects (see Resolutions annexed to this Document):

"Rights of Children and Adolescents"
"Civic and Political Rights"
"Indigenous Peoples, Minorities, Racism, and the Right of Peoples to Self-Determination".

A number of demands were raised:

1. All human beings have the right to recognition as persons before the law and should therefore be entitled to participate in all spheres of life on an equal basis. This applies, in particular, to children and adolescents with regard to matters concerning them.

2. The right to asylum is to be recognized as a right due to all human beings.

3. The respect of human dignity is the prerequisite for the respect of all human rights.
In particular, the following demands result from the above:

4. All states are called upon to abolish the death penalty without delay, to convert death sentences already imposed into prison terms, and to enlighten the population on the uselessness the death penalty.

5. Rape and other forms of sexual abuse by office-holders of the state are a form of torture and should be prosecuted accordingly.

6. The states are urgently called upon not to permit the existence of secret detention centres and to use all the means at their disposal to prevent prisoners being held

7. The states are obliged to ensure conditions of detention in human dignity, to allow all detainees the possiblity to complain against an order of arrest, and to have places of detention supervised regularly by independent bodies.

8. The United Nations are called upon to set up an international complaints authority and an international court for the rights of the child in order to allow children and adolescents to file their own complaints in the case of violations of the UN Convention on the Rights of the Child.

9. The states are called upon to introduce a statutory labelling requirement for products manufactured by child labour.

10. The United Nations are called upon to see to it that peoples that do no yet have their own states are allowed to exercise the right to self-determination.

10. The lender countries are called upon to elaborate effective programmes to ease the debt burden of the countries of the southern hemisphere and to translate these programmes into practice.

12. The United Nations and the World Bank are called upon to ensure, at long last, fair world market prices through effective measures.

13. The United Nations are called upon to recognize the sovereignty of indigenous peoples and to create an independent body to deal with specific complaints and receive regular reports from indigenous peoples and minorities, to publish such reports, and to take effective action against the violation of the rights of indigenous peoples and minorities.

14. The states are called upon to review their own legislation with a view to possible discrimination against and unequal treatment of ethnic, cultural and linguistic minorities as well as racist and racism-promoting tendencies and, if necessary, abolish such provisions.

15. All states are called upon to ratify the UN Convention against the Disorimination of Women and to implement the rights guaranteed therein. The control mechanism of the convention should be improved, especially through the provision of a possibility for individual complaints by women.

16. Representatives of states which have been proven to be responsible for systematic, severe violations of human rights are to be taken to account at an international level by the United Nations.

17. We call upon the United Nations to support the mainten-

all countries of the world. The populations of the countries concerned are to be given the opportunity to decide on the stucture of this network by democratic means, so that misguided developments of the social system can be prevented and the maintenance and strengthening of the countries' own social structures, cultures and mentalities is ensured.

18. We call upon all states to implement the right to education through compulsory schooling, to be provided free of charge at the primary level, for all boys and girls without any discrimination.

This Resolution has been unanimously adopted.

Resolution

of the Working Group on
"Rights of Children and Adolescents"

of the
First Austrian Pupils' Conference
on Human Rights
on 11 and 12 March, 1993

addressed to the

World Conference of the United Nations
on Human Rights
in Vienna in June 1993

Torture, "disappearances"

The Conference,

bearing in mind the General Declaration of Human Rights,

reaffirming the fact that every human being has the right to recognition as a person before the law in all states,

referring to the principles of the UN Convention against Torture,

noting with alarm that violations through torture and "disappearances" continue to be observed in 60 UN member countries,

1. states that the use of force is to be subject to strict legal provisions;

2. underlines that incidents have to be investigated in an impartial manner and that both the perpetrators and those responsible are to be held accountable by a court;

3. recommends that member states offer continuous psychological training to their law enforcement officers;

4. points out that statements which can reasonably be assumed to have been made under torture or the threat of torture must not be used as evidence in court;

5. is of the opinion that law enforcement officers who may have been involved in incidents of torture, disappearances or other violations of human rights are to be suspended from any position of authority over plaintiffs, witnesses and their families for the duration of the investigation;

6. affirms the right of victims of torture and their relatives to compensation and rehabilitation;

7. urgently calls upon the states to strictly prohibit the existence of secret detetion centres;

8. requests the complete and unconditional ratification of the UN Convention against Torture by all states;

9. calls upon the states to strictly supervise members of the military and of law enforcement agencies who have the authority to arrest people and to clearly define their responsibilities - the same applies to law enforcement officers authorized to use fire arms;

10. notes that rape and other forms of sexual abuse of de-

a form of torture and prosecuted accordingly;

11. asks the states to grant special protection to witnesses, relatives, legal counsel and all other persons involved in investigations;

12. therefore appeals to all states to obligate their authorities to do their utmost to clear up "disappearances" of persons after their actual or alleged arrest by office-holder of the state or related bodies and to inform the relatives of the "disappeared" and/or the Working Group on "Disappearances" of persons of the UN Human Rights Commission on their whereabouts.

Detention

The Conference,

recognizing the minimum principles applicable to the treatment of prisoners,

convinced that a further strengthening of the human rights of prisoners is necessary,

1. is convinced that holding prisoners incommunicado is a violation of human rights and must therefore be prevented;

2. recalls that any prisoner must have the possibility at any time to complain to superior authorities about his/her situation or his/her treatment in detention;

3. furthermore recalls that any prisoner has to be informed of his/her rights and the possibilities of exercising them immediately after his/her arrest;

4. recalls that any prisoner has the right to inform a person of his/her confidence and/or his/her legal counsel immediately after his/her arrest;

5. condemns the practice of garde-à-vue detention and calls upon the states to prevent it through appropriate legislation;

6. calls upon all states to apply strict legal regulations to pre-trial confinement;

7. affirms that any conviction must be preceded by fair proceedings before an independent court allowing the plaintiff every possiblity to defend himself/herself or to be represented by legal counsel, including the right to call witnesses and produce evidence;

8. appeals to the UN Human Rights Conference to see to the creation of instruments for the supervision of places of detention;

9. calls for the practical implementation of the minimum principles of the UN regarding the treatment of prisoners.

Death penalty

The Conference,

recognizing the right to life,

recalling the Hippocratic oath,

emphasizing human dignity,

considering the disputable effectiveness of the death penalty,

emphasizing the fallacy of the courts,

emphasizing, furthermore, the irrevocability of the death sentence once executed,

1. asks for the population to be enlightened on the uselessness of the death penalty;

2. appeals to all physicians never to participate actively in the execution of death sentences;

3. calls upon all states not to force physicians to participate in executions;

4. calls for the death penalty to be abolished within a period of ten years from now.

International responsibility

The Conference,

emphasizing the fact that every state bears a supranational responsibility;

1. is convinced that every state is obligated to use all the peaceful means at its disposal to contribute towards the universal respect of human rights;

2. takes it for granted that the right to asylum must be one of the fundamental rights of every human being;

3. demands the possibility for persons whose human rights are being violated to file complaints with supranational bodies.

Rights of participation

The Conference,

referring to the General Declaration of Human Rights,

reaffirming the fact that participation is one of the most essential rights of every citizen,

1. calls upon all states to take all the necessary steps towards the democratization of their internal political affairs;

2. asks all states to recognize the right to participation of every citizen in all spheres of life.

Resolution

of the Working Group on
"Civic and Political Rigths"

of the
First Austrian Pupils' Conference
on Human Rights
on 11 and 12 March, 1993

addressed to the

World Conference of the United Nations
on Human Rights
in Vienna in June 1993

Preamble

Children constitute the weakest link in the societies of all countries. To a large extent, they are being denied the right to development.

A life in human dignity for both children and adults is not a favour to be received, but a right to be claimed. Hence, the rich countries have the moral obligation to support the poorer ones.

Demands

1. Complaints body

We call upon the United Nations to set up an international complaints body for children and adolescents desiring to complain about violations of their rights in accordance with the Convention on the Rights of the Child. This institution is to consider complaints filed by children as an additional basis for the review of the Convention.

This institution, although part of the organizational structure of the United Nations, is to be able to operate independently. Regional facilities are to be set up in every country to deal with the rights of the child and to serve as field offices of the complaints body, so that access for children and adolescents to the complaints body is facilitated. The members of the staff of these facilities are to be particularly qualified to deal with children and adolescents, so that an appropriate handling of the complaints filed by children can be guaranteed. The United Nations are to make sure that the establishment of the complaints body and its regional offices is made known to children and adolescents in all countries of the world. The complaints body and the regional offices are obligated to deal with complaints received in a confidential manner.

2. Recognition of rights

We call upon member states having ratified the Convention to recognize the rights of the child listed in the Convention also as subjective rights of each individual child and adolescent. Furthermore, we call upon the United Nations to set up an international court of the rights of the child, where proceedings can be instituted in the case of violations of the rights of the child. The court is to guarantee the subjective rights of the individual child and adolescent. The member states undertake to ensure that any form of retaliation against complainants is prevented. The member states are called upon to take the necessary measures to facilitate access for children and adolescents to the international court.

3. A new international economic order

In our opinion, access to education and the international economic order are closely related to each other. Without adequate financial resources, it is impossible for a country to provide a sufficient offer of education for its population. Therefore, we call upon the industrialized countries, in particular, to create a new international economic order based on fair prices for raw materials, so that the other countries can finance an adequate system of education. This demand also includes the easing of the debt burden of the "Third World" countries.

4. Maintenance of the social network

We call upon the United Nations to support the maintenance of the existing social network in all member states. Decisions on the structure of this network are to be taken by the populations of the countries concerned, so that misguided developments of the social system can be prevented and the maintenance and strengthing of the countries' own cultures and mentalities is ensured. We regard a functioning social system as a fundamental prerequisite for effective measures to contain the population explosion and to give children and adolescents a chance of survival. It prevents the development of conditions under which children are forced to work for a living and allows both boys and girls to attend schools. The member states are called upon to grant parents financial assistance for the education of their children.

5. Exchange programmes

We consider it important to make children and adolescents aware of the problems of the world. We therefore demand the establishment of worldwide, regionally balanced exchange programmes for adolescents, focussed on personal contacts with adolescents of other countries of the world. The United Nations are called upon to distribute information on such programmes and to support them financially.

6. Budgets for educational programmes

We have been shocked to note that currently no more than 0.47% of the total volume of development aid are spent on education. We call upon the member states to make available more money, among others to UNICEF, to ensure a balanced offer of education throughout the world.

7. Compulsory product labelling

We call upon the member states to introduce a statutory labelling requirement for products manufactured partly or completely by child labour. This is to help eliminate the market for products made through child labour.

8. Information programmes

We are shocked by the fact that children are being drawn into wars.
We are equally shocked by the numerous cases of child abuse, even in countries that have already ratified the Convention.
We call upon the United Nations to work out an information programme or to make existing programmes known more widely, so that both adults and children are better informed on possibilities of reacting to child abuse.
Centres offering counselling and guidance to both victims and perpetrators of child abuse are to be set up for the purposes of psychological rehabilitation of the victims and the prevention of repeated offences by the perpetrators. We call for increased protection of children as court witnesses. Court testimonies by children are to be made less stressful, for example by not requiring the child to confront the offender.

9. Primary education for everybody free of charge

We note that compulsory schooling has not yet been introduced in all countries. We demand the introduction of compulsory schooling at the primary level - mainly reading, writing and arithmetic - to be available free of charge for all male and female adults and children, including, in particular, the handicapped. We demand a wider range of measures of education and further training with due consideration of the culture and mentality of the people concerned. The member staters are to provide an adequate infrastructure for measures of education and further training. The industrialized states are called upon to provide financial, material and human resources for this purpose.

10. Unconditional abolition of the death penalty

We the demand the unconditional abolition of the death penalty for adolescents of less than 18 years of age.

Resolution

of the Working Group on
"Indigenous Peoples, Minorities, Racism,
and the Right of Peoples to Self-Determination"
on 11 and 12 March, 1993

addressed to the

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in Vienna in June 1993

Indigenous peoples/racism

In many countries, indigenous peoples and minorities are denied their political rights, faced with cultural, social and economic discrimination, deprived of the very basis of their lives through the destruction of their natural habitats, and confronted with a policy of forced assimilation. The policies of some states consist in the expulsion of large groups of the population and other violent, even genocidal, measures.

Problems facing indigenous peoples

In most cases, the problems facing indigenous peoples are directly related to the exploitation of natural resources through a ruthless policy of economic development and the associated destruction of the environment. Economic policies of this type and an orientation towards unlimited growth not only destroy the global eco-system, but also deprive many peoples of their vital resources and their traditional life-styles. However, the threat to the survival of indigenous peoples is also due to attemps at modernizing and "developing" their way of life, which is regarded as "primitive" and "uncivilized".

1. Indigenous peoples and minorities

Indigenous peoples and minorities are to receive concrete assistance, among other things in the form of information and economic support through:

a) information, in their own languages, on general social, economic and political rights;
b) support of projects to be carried out in cooperation with the population of the country concerned;
c) fair world market prices to ensure a real development opportunity through fair wages;
d) effective measures to be taken by the lender countries under the auspices of the World Bank and the IMF to ease the debt burden of "Third World" countries;
e) the rejection of any linkage of economic cooperation to political conditions.

2. The heritage of colonialism

Numerous minorities continue to suffer from the heritage of colonialism. The arbitrary drawing of borders, the refusal to recognize ethnically homogeneous regions and the principle of the territorial integrity of states have been at the origin of many ethnic conflicts and violent confrontations. Peoples and ethnic groups are being denied their autonomy for the sake of the preservation of existing borders and national structures set up through arbitrary decisions.

In view of the above, indigenous peoples and minorities need to be granted special protection.
It is true that both the United Nations and the European Parliament have adopted resolutions to that effect, but these have not been translated into practice except by a few countries.
For measures to be effective in the long run, they must be aimed at:

a) the right to self-determination also for peoples who do not yet have their own states (e.g. Kurds, Palestinians...),
b) regulations granting a status of internal autonomy, and
c) multi-nation states within the framework of federal constitutions.

Demands

The states participating in the UN Human Rights Conference are called upon:

a) to accept the autonomous cultures, religions and languges of indigenous peoples and minorities as a basis of their identity, to guarantee their free exercise and to lift existing bans without delay;
b) to guarantee self-administration and economic self-determination for indigenous peoples and minorities in their native regions, so that they can defend and preserve their natural habitats; traditional economic models are to be upheld and the self-determined development of alternative models is to be promoted;
c) to allow indigenous peoples and minorities to participate in the decision-making process on an equal basis as far as their vested interests are concerned;
d) to provide compensation, wherever possible, for crimes committed against indigenous populations and other minorities, to leave their places of worship intact and to grant them adequate economic and social support;
e) to provide educational facilties for indigenous peoples free of charge and to guarantee the necessary degree of social security so that they can actually make use of these facilities; children are to be taught by members of their own ethnic groups in their native languages.

Practical implementation of assistance measures

For the purposes of the practical implementation of assistance measures, we demand the establishment of a UN body, available to hear complaints from indigenous peoples all the year round, which receives annual reports on progress made and/or problems encountered by indigenous peoples/minorities from their own representatives, publishes such reports and, if necessary, takes appropriate measures against human rights violations.

Racism/xenophobia

Prejudices and racist attitudes are not inborn, but acquired. Many societies have developed mechanism for the marginalization and rejection of certain groups of the population. Racism is both an individual and an institutional problem manifested through social structures (discriminating legislation) and by the attitudes and feelings of human beings.
The alleged superiority of the "whites" and the dominant position of the north over the south are expressions of racist attitudes, as are the concrete mechanisms of marginalization of some states (apartheid, discrimination of minorities, assimilation efforts...).

The states participating in the UN Human Rights Conference are called upon:

to revise their own laws and regulations with a view to discrimination against and unequal treatment of ethnic, cultural and linguistic minorities as well as racist and racism-promoting tendencies and to abolish any such provisions.

However, responsibility for the respect of human rights cannot be delegated exclusively to the authorties of the state. The individual has to assume his/her share of responsibility for the existence of racism and xenophobia.

Hence, the participants of the UN Human Rights Conference are called upon to promote measures which, among other things, facilitate the distribution of information on minorities and help to promote a multi-cultural exchange of ideas (e.g. through discussions with representatives of minorities or indigenous peoples within the framework of communication centres).